

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUASAR SCIENCE LLC,
Petitioner,

v.

COLT INTERNATIONAL CLOTHING, INC. d/b/a COLT LED,
Patent Owner.

IPR2023-00611 (Patent 10,197,224 B1)
IPR2023-00613 (Patent 10,411,582 B1)
IPR2023-00614 (Patent 10,566,895 B1)¹

Before GEORGIANNA W. BRADEN and ROBERT J. WEINSCHENK,
Administrative Patent Judges.

PER CURIAM.

ORDER
Granting Petitioner's Motions for Admission
Pro Hac Vice of Kyle G. Gottuso
37 C.F.R. § 42.10

¹ The combined caption is for administrative convenience only and does not indicate that IPR2023-00611, IPR2023-00613, and IPR2023-00614 have been joined. The parties are not authorized to use this caption without express permission of the Board.

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On November 6, 2023, Petitioner filed motions for admission *pro hac vice* of Kyle G. Gottuso in each of the above-identified proceedings (collectively “Motions”). Paper 15.² Petitioner also filed declarations of Mr. Gottuso in support of the Motions (collectively “Declarations”). Ex. 1017.³ Patent Owner has not opposed the Motions. For the reasons provided below, Petitioner’s Motions are *granted*.

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Based on the facts set forth in the Motions and the accompanying Declarations,⁴ we conclude that Mr. Gottuso has sufficient legal and

² For purposes of expediency, we cite to Papers filed in IPR2023-00611. Petitioner filed similar Motions in IPR2023-00613 (Paper 13) and IPR2023-00614 (Paper 13).

³ We cite to Exhibits filed in IPR2023-00611. Petitioner filed similar Declarations in IPR2023-00613 (Ex. 1016) and IPR2023-00614 (Ex. 1016).

⁴ *Unified Patents* indicates that “A motion for *pro hac vice* admission must: . . . Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following: . . . All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years.” *See Unified Patents*, Paper 7 at 3. The Declaration of Mr. Gottuso identifies *inter partes* review proceedings in which Mr. Gottuso has *appeared pro hac vice* before the Office in the last three years, but fails to

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technical qualifications to represent Petitioner in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for admission *pro hac vice*. See Ex. 1017. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Gottuso. Mr. Gottuso will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c).

We note that Petitioner has filed a Power of Attorney including Mr. Gottuso in accordance with 37 C.F.R. § 42.10(b). IPR2023-00611, Paper 1; IPR2023-00613, Paper 1; and IPR2023-00614, Paper 1. Petitioner also has filed Mandatory Notices identifying Mr. Gottuso as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2023-00611, Paper 2, 5; IPR2023-00613, Paper 2, 5; and IPR2023-00614, Paper 2, 5.

Accordingly, it is:

ORDERED that Petitioner's Motions for *pro hac vice* admission of Kyle G. Gottuso are *granted*;

FURTHER ORDERED that Petitioner shall continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Gottuso is authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Gottuso shall comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide⁵ (84 Fed.

identify *all* proceedings before the Office for which Mr. Gottuso has *applied* to appear *pro hac vice* in the last three years. See Ex. 1017 ¶ 6. For the purposes of this Order, we deem this harmless error.

⁵ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Gottuso shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

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